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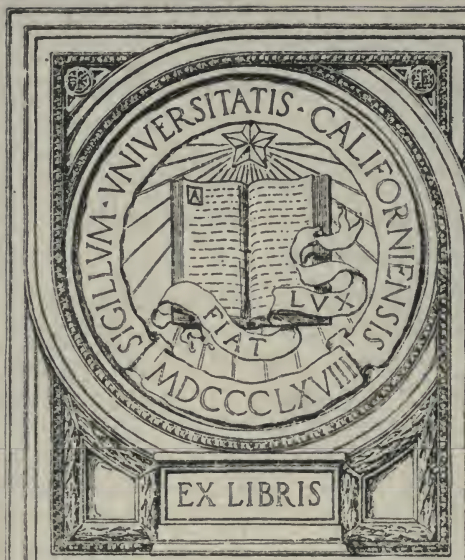
Haines. Utah's minimum wage law for females.



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Utah's Minimum Wage Law for Females

*Passed by the State Legislature of 1913.
Became Effective May 13, 1913.

Paper read by H. T. HAINES, Commissioner of Immigration, Labor and Statistics of Utah, before the National Convention of the Association of Governmental Labor Officials of the United States and Canada, at Nashville, Tenn., on June 9, 1914.

Utah's arbitrary minimum wage law for women and girls has now been in operation for one full year, a period long enough to form a partial conclusion of the merits, in one State at least, of a class of labor laws that is now uppermost in the minds of many students of important social and economic problems.

Before entering into a statement of the physical operations of the law and its practical results so far as may yet be determined, I desire to first briefly call your attention to the ways and means by which Utah, one of the youngest States, and one having the fewest number of women and girls depending upon a daily wage for their sustenance, took a short cut through the wide but unknown field of proposed living wage legislation, and enacted a minimum wage law for females.

*Utah was the first State to put a Minimum Wage Law for Females into effect.

Preliminary work leading to the preparation and presentation of a bill for the enactment of a minimum wage law had been performed by a committee of the Federation of Women's Clubs of our State and the bill itself was presented by a woman member of the lower house of the Legislature, of whom there were three. This bill followed closely the provisions of the bill first presented to the Massachusetts legislature, but which was later much amended and therefore considerably unlike the Bay State's minimum wage law in effect today.

The Utah bill provided for a commission, as have bills of all other States having minimum wage laws now in force or pending. The proposed commission was to have been composed of three persons, to be appointed by the Governor, one of whom was to have been a woman. The bill carried an appropriation of $5,000 to meet the expenses of the commission for inquiring into the wages paid to women and girl employes in the various occupations in which they were engaged, with a view of ascertaining as nearly as possible the adequacy of the then prevailing wages to supply the employes with the necessary cost of living and to maintain them in health.

The commission was further empowered to establish a wage board consisting of three representative employers, and an equal number of representative women employes, and one or more disinterested persons representing the public, whose duty it was to determine a minimum wage for women in occupations in which prevailing wages were found to be inadequate to meet the requirements of a living wage and to maintain the employes in health.

Merchants and manufacturers were quick to notice this

effort for proposed legislation affecting their several interests and equally alert in protecting such interests. Arrangements were soon perfected for joint meetings of employers and employes and women's club representatives with the labor committee of the lower house. The merchants and manufacturers committee of the local commercial club strenuously opposed the bill in the form presented, asserting that the publicity feature in which the commission was authorized to publish in the daily papers the names of employers and the material facts of their findings through searching investigations into their businesses, was particularly objectionable and unnecessary. It was also maintained by them that the proposed investigating machinery was too bulky and that the $5,000 that was proposed to be appropriated was insufficient to carry on the work in the manner outlined. With the women in their fight for the enactment of their bill, or one equally as good, were representatives of labor, and lobbies in the legislative halls were formed and maintained by the contending forces. At the public hearings before the house labor committee able and exhaustive arguments were made and heard, and but little advancement was apparently made for some time toward an amicable understanding between the participating forces. Finally a sub-committee of the merchants' and manufacturers' committee of the local commercial club drafted a bill that was accepted as a fairly good compromise between themselves, the club women and labor representatives, and a substitute bill embracing a wage scale as agreed upon was drafted by the sub-committee, which was later presented to the legislature and finally passed by a close vote in the lower house and unanimously in the senate.

The original bill contained over 1800 words, and the substitute bill about 200, yet the latter bill was such that it practically accomplishes about all that was sought to be secured through the more verbose and cumbersome measure.

The law itself fixes a minimum wage of 75 cents per day for any girl under the age of eighteen years; 90 cents per day to a woman over the age of eighteen years, who is inexperienced in the class of work she is employed to perform; $1.25 per day to women who have served an apprenticeship in the line of work they are performing. The apprenticeship period is fixed at one year. Thus a woman or girl who has worked one year as a saleswoman must be paid $1.25 per day. Likewise she must be paid as much as if she has worked as an operator in a factory of any kind, in a candy manufactory, laundry, etc., and is following these lines of employment.

The merchants and manufacturers sub-committee's bill gave $1.00 per day to apprentices over eighteen years of age, but the house committee cut the wage to 90 cents. In establishments where the piece system of wages obtains a woman's wages must be equal to the wages fixed by the minimum wage law, based on a nine-hour per day service, that number of hours constituting a day's work for women in our State.

One of the objections raised by the house committee on labor to the minimum wage bill, as first presented, was to the creation of a new State commission, and hence a new department. In order to eliminate this strongly opposed feature the substitute bill designated the Commissioner of the Bureau of Immigration, Labor and Statistics as the officer to enforce the general provisions of the law. This department was already

responsible for the enforcement of the nine-hour law for females, the eight-hour law for miners, and besides charged with other matters pertaining to labor and immigration, together with the gathering, compiling and publication of statistics. Outside of the fixed salaries of the commissioner, two deputies and a stenographer, rent, etc. (Utah not having a State capitol as yet), the department was allowed $1,500 per year for all traveling, printing, stationery and other incidental expenses. As the appropriation for the department was fixed before the passage of the minimum wage law, it may be said that the only sum of money provided by the legislature for operating its minimum wage law was but $800, which was named in an amendment to the old act creating the Bureau of Immigration, Labor and Statistics as the salary to be paid an additional deputy in the department, and which amendment stated that the new deputy should be a woman.

Here I wish to say that, in the absence of any knowledge by this convention of what criticisms may have been made or are being made concerning the operations of the law in Utah, I think the members of the convention will agree with me that it is being administered economically and that the legislature made a "ten strike" in its efforts to economize when it eliminated a $5,000 per year department and attached the proposed work of such to another department and allowed it but $800 for the performance of the required work.

The provision concerning a woman deputy was another concession to the women's club members, who contended that in the investigations of alleged violations of the minimum wage and nine hour laws, and the general conditions surrounding the

employment of labor, a woman official would necessarily prove a helpful acquisition to the operating forces of the department. In this proposition they were partially right, but in passing it may be briefly stated at this point that in the handling of many cases wherein women employers were violators of the law enacted for the benefit of women wage earners, woman's inhumanity to woman was ofttimes manifested in a striking manner through their incourteous treatment of the woman deputy commissioner. Many women employers charged with violating the law stated that they preferred to deal with a man when investigations concerning their conduct toward their own sex were under consideration.

The most stubborn opposition to the passage of the measure came particularly from a representative of one large manufacturing establishment and from several small country merchants. The manufacturers' representative contended that in the line of employment which his concern offered to girls and young women there were certain classes of work requiring but little skill, for which service they could only afford to pay a low wage and could furthermore give employment to a class of females who possessed but meager mentality and were incapable of performing work that required average physical capacity. The argument advanced by him was that his corporation would necessarily have to discharge a number of females who would probably be unable to secure any other employment, or at least such employment at which they could earn as much as he was paying them in the establishment which he represented. Emphasis was placed by him on the probability of such employes becoming a permanent burden to their parents, relatives or

friends, who would necessarily have to support them, or else they would become public charges.

The small country merchants set up the claim that their businesses did not warrant their paying a woman more than $20 or $25 per month, and in order for them to maintain female help they would have to discharge their experienced girls and employ only those under eighteen years of age, or one older who had had less than one year's experience as a sales girl.

The practical workings of the law are yet to be told.

Briefly, the total number of women and girls in Utah coming under the operations of the law numbered about 12,000. Of the total number only about 6 per cent were under the age of eighteen years, and were employed chiefly as errand or bundle girls in department stores, and in candy factories, box and knitting factories. No account was reckoned of the girls and women who, in the packing season, work in the canneries, of which we have quite a number. The operating period of some of these concerns is less than sixty days, and they employ quite a number of young folks of both sexes during that time of year embracing the school vacation for full or part days. However, their rates reach the minimum wage scale. About 10 per cent of the 12,000 regular female employes come within the inexperienced or apprentice class, and the remaining 84 per cent in the experienced class.

A month prior to the day the minimum wage law became effective our department sent to every regular employer of female labor of whom it had any knowledge a printed copy of the law and also a blank calling for a statement of the number of females employed by them who were under eighteen years

of age, how many of this class they were paying less than 75 cents per day; how many of the female employes over the age of eighteen years were inexperienced and how many were experienced, and how many of these two classes were being paid less than 90 cents and $1.25 per day respectively. They were requested to fill out these blanks and mail same to the labor department. In a number of later instances these blanks proved quite useful to us, especially in cases where employers of only a few girls, who kept no pay rolls by which our department might check their weekly wage accounts, and who had failed to adjust their wage schedules to meet the requirements of the new law. The same employers of female labor were later asked to fill out similar blanks bearing a date subsequent to the law becoming effective, and from this information, oftimes unwittingly written upon these blanks, we discovered many violations of the law for which the employers were obliged to pay thousands of dollars in wages that fell short of being the minimum wage, or else defend a lawsuit in a court of justice.

The first complaint we filed was one against an establishment employing about twenty-five young women. Two weeks after the law went into effect, it was reported to the department that this concern was not paying the minimum wage. The commissioner obtained a pay envelope from one of the girl employes upon which was written her name, the amount of her weekly wage, and date thereof, which was $1 per week less than that provided by law. The commissioner called upon the proprietor of this establishment and requested to see the pay roll, a request that was at first denied until the law requiring

employers to submit their pay rolls for inspection was presented. This pay roll showed that a number of girls were being paid less than the minimum wage, yet in the face of this fact and the envelope exhibited, the proprietor and the bookkeeper claimed that the establishment was paying the minimum wage. The proprietors dared not face a trial in this case, and a plea of guilty was entered before the day of trial, and each girl who had been underpaid was handed the balance legally due her.

During the full year the minimum wage law has been in operation, our department has collected from employers over $8,000, which was given into the hands of employes who were not receiving the minimum wage. In many instances the employers guilty of violating the law did so unconsciously or carelessly, having neglected to immediately act upon the notice sent out by the labor department and adjust their pay rolls to meet the requirements of the law. One large department store, employing in the neighborhood of two hundred females, and paying semi-monthly, was found guilty of violating the law for the reason that it paid its girls under eighteen years of age but $9 (two weeks' wages) on the first and sixteenth days of each month, computing the wage on twelve months a year basis, instead of at fifty-two weeks a year. When their attention was called to this matter, they thanked the labor department and promptly made up to each underpaid employe the balance due her.

Quite a number of employers apparently acted with indifference to the warnings of the labor department, evidently thinking that the department charged with the enforcement of the law had enough else to do without investigating the amount

of wages they were paying their help, and seeking refuge behind the fact that the underpaid employe well knew that her job was at stake if she entered a complaint. When the commissioner or deputy commissioners dropped into their places of business to question them or their employes, or examine their pay rolls, ofttimes being possessed in advance of their visits with incriminating facts pertaining to the wages that were being paid in the particular establishment under investigation, many unpleasant scenes occurred, which usually ended with all concerned getting together, computing the back wages due the underpaid employes, to whom a substantial sum of money was turned over, and a promise on the part of the employer to observe the law in the future, followed by a formal and apparently friendly farewell. The highest individual sum of money which our department has as yet collected in this manner for one girl is $125, but several amounts approaching that sum have been obtained.

The law does not designate our department as a collection agency, but we assumed that for the reason that the law was intended to obtain better pay for girls who were drawing wages insufficient to meet their necessary living requirements, we would be carrying out the spirit of the law if we placed into their hands good hard cash, rather than summon them to appear in court as reluctant witnesses against their employers, and, in most cases, lose them their jobs, after which they would be required to bring a civil action to collect the legal wages due them, and if successful would be obliged to turn over nearly all that had been collected to some attorney for his services in the case.

A wise business man is a respecter of public opinion, and therefore few of such care to antagonize a law established for the payment of a fair wage to men or women. Some merchants and manufacturers will tell the commissioner of labor that they believe the minimum wage law to be unconstitutional, and that it is too arbitrary; that it denies to some girls and women the employment that they are very much in need of, but they lack the moral courage to thus speak or publish such views to the world, and draw unto themselves the odium that the laboring classes feel for the employers opposed to laws intended for the betterment of wage earners. Hence our department has had to bring but seven cases for the violation of the minimum wage law before the courts, six of which we have won and one is still pending. A case won has been appealed to the Supreme Court. This was a matter wherein a woman proprietor of a dressmaking establishment was paying an apprentice but $5 a week, the minimum wage being $5.40. The apprentice had been employed but three weeks and her employer was offered the privilege of paying the $1.20 due the apprentice under the minimum wage law, or else face a prosecution. She elected to fight, but after an action was instituted against her for her violation of the law, an attorney advised her to pay to the apprentice the $1.20 due, which she did and then asked that the suit be withdrawn. In view of the fact that she slammed the door of her establishment in the face of the deputy commissioner and hung up the telephone receiver when the county attorney was advising her to pay the apprentice and thus avoid prosecution, the forces charged with the enforcement, prosecution and dignity of the law elected to allow the

woman the opportunity of fighting until the Supreme Court of the State called "time." Thus the constitutionality of our little minimum wage law is to be tested, and others besides the lady have quietly chipped in to help defray the expense of the legal scrap. One contributor is a man whom we had previously convicted of violating the law.

Summarizing its practical effects within the brief period it has been in operation, the law may be said to have been instrumental in raising the wages of a number of women and girls who most needed the additional sums of money it has placed in their hands. It has not increased the wage pay roll in establishments employing any considerable number of women over 5 per cent. As an offset to this, most employers admit that they have obtained increased efficiency, because proprietors or managers of many establishments employing a large number of female workers immediately preceding the date of this law becoming effective made the occasion an opportunity for heart-to-heart talks with their female employes, to emphasize the fact that it would be up to them (the employes) to make good in order to hold their positions. This presentation of the situation is alleged to have had a leavenous effect upon quite a few deficient employes who are now drawing more than the minimum wage. A few small country merchants claim to have been hard hit, and some formerly employing two girls now have but one. A very small number of women and girls who failed to produce the results fixed as necessary were dismissed from establishments, but most of them found other work for which they were better adapted, and consequently we can recall but few cases where a woman or girl has been utterly deprived of

employment because of this law. In several cases where girls have been discharged because of the activities of our department in compelling employers to pay the minimum wage, we have found positions that were satisfactory to them.

And here, let me say, we have found among the business men of Utah many whole-souled, broad-minded and philanthropic fellows, who have stood ever ready to aid our department and assist us in the enforcement of the law by giving employment to the girl or woman who had been unkindly and unceremoniously discharged because of our insistence that she be paid the minimum wage and all back wages due her, or because she had given or was willing to give, at the sacrifice of her job, incriminating evidence against her employer. Our progress in the enforcement of the law would often have been impeded had it not been for the co-operation of the men thus referred to.

One very important thing the law appears to have not done, as was feared, and that is that it has not caused the minimum wage to become very nearly the maximum wage. Of the 12,000 women wage earners in our State coming under the provisions of this law, we have not been able to find one woman or girl who was drawing $7.50 per week at the time the law went into effect whose wages have suffered a decrease. The fear of some such action as this, by way of retaliation, was and has been often voiced prior and subsequent to the operations of this law, but the fear in our State appears to have been ill-founded. The situation now is that a much larger number of employes in Utah are drawing a wage in excess of the highest minimum wage than those who are paid the legal wage itself.

Another beneficial effect for the manufacturer is that it tends to equalize the cost of production, and the same deduction applies to the merchants, as the minimum wage will also in his case contribute to the equality in the cost of selling goods. The hard-fisted manufacturer or merchant who was inclined to purchase his labor for the cheapest price obtainable is now compelled by law to pay for labor about the same price that the more liberal and considerate employer is inclined to pay voluntarily.

I believe that I am justified in saying that 90 per cent of employers of women and girls are well satisfied with the law as it now stands and is enforced. Of course employes whose wages it has raised are satisfied, and hope soon to see the minimum wage made higher. The women who are responsible for the enactment of the law feel that they have accomplished a great good for their sex, and no member of the legislature who voted for the law is apologizing to his constituents for his action.

An intelligent manager of one of Salt Lake's largest department stores, who was chairman of the sub-committee that drafted the minimum wage law as it appears today, in a paper read before a national convention of merchants, recently held in one of the eastern States, says of the law: "* * * Whatever its faults or virtues, there is little doubt that good has been uppermost. Without discussing its legal, moral, economic or industrial bearings, I might venture the suggestion that of far greater importance than minimum wage legislation for the uplift of women workers is preparatory education which operates automatically to raise the standard of wages in ratio to the

standard of service. It would seem fair that if the State establishes a standard of wage it should assume the responsibility of furnishing service of equal value. Then it must follow that the greatest material service we can render the future women and girl workers is to prearrange such environment and education as will give them individual independence, self-supporting producing power. We must care better for our womanhood before it is thrown into the thick of the fight for existence and compelled to call to the State for minimum wage protection. We should now know that we are in a period of change, humanizing change, and that along with the development of industrial institutions and processes has come a new world-wide subconsciousness, which pleads the necessity of a fairer distribution of the products of labor, the uplift of the laborer, the better development and conservation of the mental and physical forces, a more humane and scientific application of productive human energy. The minimum wage helps, but let us first help the women to know; she is then a law unto herself."

Minimum Wage Scale for Females

(Chap. 63, Session Laws of Utah, 1913.)

SECTION 1. UNLAWFUL TO PAY LESS THAN SCALE. It shall be unlawful for any regular employer of female workers in the State of Utah to pay any woman (female) less than the wage in this section specified, to-wit:

For minors, under the age of eighteen years, not less than seventy-five cents per day; for adult learners and apprentices not less than ninety cents per day; provided, that the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than one dollar and twenty-five cents per day.

SEC. 2. CERTIFICATE OF APPRENTICESHIP. All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

SEC. 3. PENALTY. Any regular employer of female workers who shall pay to any woman (female) less than the wage specified in Section 1 of this Act shall be guilty of a misdemeanor.

SEC. 4. COMMISSIONER OF IMMIGRATION, LABOR AND STATISTICS TO ENFORCE ACT. The Commissioner of Immigration, Labor and Statistics shall have general charge of the enforcement of this Act, but violations of the same shall be prosecuted by all the city, State and county prosecuting officers in the same manner as in other cases of misdemeanor.

Approved March 18th, 1913.

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